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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
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11 KEITH M. PETTY,  
12 Plaintiff,  
13 v.  
14 PA-C. SHOJAEI, et al.,  
15 Defendants.  
16

Case No. EDCV 12-1220 JAK (SS)  
**ORDER ACCEPTING FINDINGS,  
CONCLUSIONS, AND  
RECOMMENDATIONS OF UNITED  
STATES MAGISTRATE JUDGE**

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the  
18 First Amended Complaint, the parties' respective Motions for  
19 Summary Judgment, all the records and files herein, the Report  
20 and Recommendation of the United States Magistrate Judge, and  
21 Plaintiff's Objections. After having made a de novo  
22 determination of the portions of the Report and Recommendation to  
23 which Objections were directed, the Court concurs with and  
24 accepts the findings and conclusions of the Magistrate Judge.  
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26 The Court specifically notes that despite Plaintiff's  
27 Objection that Defendant failed to respond to discovery requests,  
28 the record reflects that Plaintiff never properly served timely

1 requests during the discovery period. Therefore, no responses  
2 were ever due. (See Report and Recommendation at 24-25).  
3 Furthermore, even though the Magistrate Judge took the  
4 extraordinary measure of re-opening discovery after the Report  
5 and Recommendation issued specifically to allow Plaintiff one  
6 final opportunity to propound discovery and file a supplemental  
7 brief based on that discovery, Plaintiff neither filed a  
8 supplemental brief nor requested an extension of time in which to  
9 do so by the Court's deadline.

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11 Accordingly, **IT IS ORDERED** that Defendant Normand Blier's  
12 Motion for Summary Judgment is GRANTED, and Plaintiff's Motion  
13 for Summary Judgment is DENIED.

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15 **IT IS FURTHER ORDERED** that the above-captioned action is  
16 dismissed with prejudice as to Defendant Blier and without  
17 prejudice as to unserved Defendants C. Shojaei, John Almond and  
18 Gary Chaney.

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20 The Clerk of the Court is directed to serve copies of this  
21 Order and the Judgment herein on Plaintiff and on counsel for  
22 Defendant.

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24 DATED: December 23, 2014



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JOHN A. KRONSTADT  
UNITED STATES DISTRICT JUDGE